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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,143	07/25/2006	John Andrew Bieloch	20914/0204602-US0	2751
7278 7590 09/04/2008 DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770				
EXAMINER NELSON JR, MILTON				
ART UNIT		PAPER NUMBER		
3636				
MAIL DATE		DELIVERY MODE		
09/04/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,143

Applicant(s)

BLELOCH, JOHN ANDREW

Examiner

Milton Nelson, Jr.

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/28/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-8, 10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8, 10, 12-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The rejection of claim 10 under 35 U.S.C. 112, first paragraph, has been overcome by Applicant's amendment.

The rejection of claims 1, 5-8, 10 and 12 under 35 U.S.C. 112, second paragraph, has been overcome by Applicant's amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 8, 12, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Barron (616178). Note the seat portion (B, I, B, I, and space between B, I and B, I) having load supporting surfaces (I, I) that are laterally spaced apart (see Figures 1 and 4), nose portion (A, i, k) extending forwardly (portion A-i) from the seat portion and having an end (portion A-k or portion A-i) that is contiguous with a forward end of the seat portion and having an extending part (portion A-k or portion A-i) that is rebated into a slot (area between B, I and B, I) in a central area (space between B, I and B, I) of the seat portion beginning at the seat portion forward end, hinge (a, b, c, d, d, d, d, e, f, f) that is flexible in a vertical plane (portion e, f, f) and laterally rigid (provided by

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securing portion b, d, d, d, d) connecting the nose portion to the seat portion to allow the nose portion to flex relative to the seat portion (note that the seat portion is shown in Figure 2 as flexing relative to the nose portion, and as such the nose portion is capable of physically flexing relative to the seat portion), spring (a and/or e) that is a tension spring (pressure on the spring causes tension) located between the nose portion and the seat portion, wherein the hinge includes a spring plate (a) that is secured directly to the under surface of the nose portion and indirectly to the under surface of the seat portion, wherein the spring plate is positioned between the front portion of the nose portion and the seat portion. Additionally note the seat portion is to be mounted to the frame of a bicycle (at m).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barron (616178) in view of Hobson et al (4877286).

The primary reference shows all claimed features of the instant invention with the exception of the seat portion and the nose portion being molded from synthetic resin materials. Note the discussion of the primary reference above.

The secondary reference conventionally teaches forming the seat portion and the nose portion of a bicycle saddle as molded from synthetic resin materials. Note paragraph 3 of column 2, and paragraph 2 of column 3.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by forming the seat portion and the nose portion as molded from synthetic resin materials. This provides a conventional configuration from a conventionally used material that is durable, relatively inexpensive, and readily available.

Allowable Subject Matter

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's response has been fully considered. Remaining issues are described above. Applicant is advised that Barron remains applied to the claims. The interpretation of Barron has been slightly changed based on Applicant's amendment. During the interview conducted on May 20, 2008, it was agreed that Applicant's amendment would overcome Barron, however, upon further consideration, the new

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interpretation of Barron is appropriate. Since agreement was reached during the interview regarding Barron, this Office action has not been made final.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST EST.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton Nelson, Jr./
Primary Examiner, Art Unit 3636

mn
September 1, 2008

